



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/566,836

02/02/2006

Tatsuya Shimoji

2006\_0114A

7518

52349

7590

09/10/2010

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

JOHNS, CHRISTOPHER C

ART UNIT

PAPER NUMBER

3621

NOTIFICATION DATE

DELIVERY MODE

09/10/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com

coa@wenderoth.com

Art Unit: 3621

Continuation of 5: Applicants' reply has overcome the 35 USC §101 rejection of claim 17 (Paper Number 20100414, ¶6-9), the 35 USC §112 1<sup>st</sup> Paragraph rejections of claims 19 and 20 (Paper Number 20100414, ¶10-12), and most of the 35 USC §112 2<sup>nd</sup> Paragraph rejections of claims 16-20 (Paper Number 20100414, ¶15-21). Applicants' reply has also overcome the 35 USC §112 2<sup>nd</sup> Paragraph rejections of claims 17 and 18 (Paper Number 20100414, ¶22-27).

***Allowable Subject Matter***

Claims 16-18 are allowed.

Continuation of 11: does NOT place the application in condition for allowance because: the rejections of claims 19 and 20 under 35 USC §112 2<sup>nd</sup> Paragraph still remain.

1. Claim 19 is indefinite because a person having ordinary skill in the art would not understand whether Applicants are claiming the subcombination of a “non-transitory computer-readable recording medium,” or the combination of a “non-transitory computer-readable recording medium” and a “content.”
2. The preamble of claim 19 indicates that the claim is drawn to a “non-transitory computer-readable recording medium” (“A non-transitory computer-readable recording medium...”; page 13, lines 1-2). Furthermore, claim 19 recites limitations of the medium, such as “having a server program recorded thereon, the server program to be executed by a server...” (page 13, lines 2-3).

Art Unit: 3621

3. The body of claim 19 positively recites a “non-transitory computer-readable recording medium” in combination with a “content”. See page 13, line 5+, which reads “wherein the content includes: an upper-level resource that is first referred to...”

4. Because the preamble indicates that the claim is drawn to only a “non-transitory computer-readable recording medium”, and the body of the claim is drawn to a “non-transitory computer-readable recording medium” in combination with “content”, the claim is indefinite.

5. If it is Applicants’ intention to claim the combination of a “non-transitory computer-readable recording medium” in combination with a “content”, the preamble of the claim must be amended to indicate that the scope is a combination of a “non-transitory computer-readable recording medium” in combination with a “content”. For example, Applicants could amend the preamble to read “A non-transitory computer-readable recording medium and content...”

6. If it is Applicants’ intention to claim the subcombination of a “non-transitory computer-readable recording medium” alone, then all positive recitations concerning the recited “content” must be removed from the claim. Claim 20 contains a similar recitation and is therefore rejected for similar reasoning.

7. Applicants assert, in the After-Final Remarks of 30 August 2010, that “claims 19 and 20 are essentially directed to method steps” (page 25, lines 11-12). The Examiner disagrees.

a. Claims 19 and 20 are directed to “non-transitory computer-readable recording medium,” as is evidenced by the first line of each of the claims. Because claims 19’s and 20’s preambles are directed to “non-transitory computer-readable recording medium,” and because the body of claims 19 and 20 recite limitations on both a “non-transitory

Art Unit: 3621

computer-readable recording medium” and a “content,” the claims are indefinite for the reasons above.